

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: MARCH 21, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SDR-18822 - APPLICANT/OWNER: CRAIG TENAYA, LLC**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE MARCH 7, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (5-2/se, sd vote) recommends APPROVAL, subject to conditions.

**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-18819) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 01/04/07, except as amended by conditions herein.
4. A revised site plan shall be submitted to and approved by the Planning and Development Department, prior to the time application is made for a building permit, to reflect the provision of four handicap parking spaces, for a total of 11.
5. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan: Provide eight additional 24 inch box trees to the buffer zone along the north property line
6. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
7. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

8. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
11. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaires. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
13. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.
14. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
15. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

16. If necessary, submit a Petition of Vacation for any existing easements in conflict with this site plan.
17. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the "Corridor 2-Tenaya Way" project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.

18. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222a and shall be designed to comply with all City Site Visibility Restriction Zone Standards
19. A Homeowner's Association or Landscape Maintenance Association shall be established to maintain all private roadways, landscaping and common areas created with this development. All landscaping and private improvements shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
20. Landscape and maintain all unimproved right-of-way, if any, on Tenaya Way adjacent to this site.
21. Submit an Encroachment Agreement for all landscaping, if any, located in the Tenaya Way public right-of-way adjacent to this site prior to occupancy of this site.
22. Grant an appropriate pedestrian access easement for all public sidewalks located outside of the Tenaya Way public right-of-way on the Final Map for this site if approved by the City Engineer.
23. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-18819 and all other subsequent site-related actions.
24. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of public improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first. We note that an offset sidewalk is proposed along Tenaya Way.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Site Development Plan Review for a proposed five-story mixed-use development consisting of 213 condominium units and 29,717 square feet of commercial space on 7.49 acres adjacent to the east side of Tenaya Way, approximately 970 feet south of Craig Road.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
09/05/90	The City Council denied a request for a reclassification of property (Z-0080-90) from N-U (Non-Urban) to C-1 (Limited Commercial) that included a shopping center, convenience store with gasoline sales, a four to six story office building, three off-premise billboard signs, an automobile service facility, restaurant with a beer/wine/cooler on-sale use, and retail stores with beer/wine/cooler off-sale uses. The Planning Commission recommended denial. Staff recommended approval.
11/06/96	The applicant withdrew without prejudice a request for a reclassification of property (Z-0094-96) from N-U (Non-Urban) to C-2 (General Commercial) for a 105,744 square-foot retail warehouse. The Planning Commission and staff recommended approval.
01/08/98	The applicant withdrew without prejudice a request for a Rezoning (Z-0081-97) from U (Undeveloped) [SC (Service Commercial) land use designation] to C-1 (Limited Commercial) for a 130,858 square-foot retail store. Staff recommended that the item be held in abeyance.
01/19/00	The City Council approved a Rezoning (Z-0071-99) of this site to O (Office), as part of a larger overall request which included the rezoning of the property to the north to C-1 (Limited Commercial). Staff recommended approval, and the Planning Commission believed the request to be premature and recommended denial.
01/25/07	The Planning Commission recommended approval of companion items GPA-18818, ZON-18819, VAR-18820 and SUP-18821 concurrently with this application.  The Planning Commission voted 5-2/se, sd to recommend APPROVAL (PC Agenda Item #43/ar).
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no permits or licenses related to this application.	
<b><i>Pre-Application Meeting</i></b>	
12/14/06	A pre-application meeting was held and the requirements of a Site Development Plan Review were explained..

<b><i>Neighborhood Meeting</i></b>	
01/03/07	<p>A neighborhood meeting was held at Timbers Bar &amp; Grill, 7081 West Craig Road at 6:15 P.M. Six members of the public attended and had the following concerns and comments:</p> <p>Five story condos too dense for area                      Concerns about impact to schools                      Support for two story office or commercial at site                      Concerns about fire                      Concerns about size and scope of project so close to single family homes                      Concerns that the applicant did not properly notify the neighborhood meeting.</p>

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	7.49

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped	O (Office)	O (Office)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Singe-Family Residential	ML (Medium-Low Density Residential)	R-CL (Single-Family Compact-Lot)
	Multi-Family Residential	M (Medium Density Residential)	R-3 (Medium Density Residential)
East	Undeveloped	SC (Service Commercial)	C-1 (Limited Commercial)
West	Single Family Residential	ML (Medium-Low Density Residential)	R-PD8 (Residential Planned Development – 8 Units Per Acre)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		X	N/A
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>			
A-O (Airport Overlay) District (175-Foot)	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## DEVELOPMENT STANDARDS

*Per Title 19.08, the following standards apply:*

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Size	6,500 SF	326,054 SF	Y
Min. Setbacks	10 Feet	15 Feet	Y
• Front	5 Feet	15 Feet	Y
• Side	5 Feet	10 Feet	Y
• Rear	20 Feet	26 Feet	Y
Max. Building Height	2 Stories/35 Feet	5 Stories/72 Feet	N
Trash Enclosure	Yes	Yes	Y
Mech. Equipment	Screened	Screened	Y

The height issue will be addressed within related Variance (VAR-18820).

<b>Residential Adjacency Standards</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
3:1 proximity slope	216 Feet	216 Feet	Y
Adjacent development matching setback	10 Feet	216 Feet	Y
Trash Enclosure	50 Feet	220 Feet	Y

<b>Existing Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
O (Office)	N/A	N/A
<b>Proposed Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
R-4 (High Density Residential)	26-50 Units Per Acre	374 Units
<b>General Plan</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
H (High Density Residential)	> 25.49 Units Per Acre	374 Units (Unlimited with an R-5 District)

*Per Title 19.12:*

<b>Landscaping and Open Space Standards</b>				
<b>Standards</b>	<b>Required</b>		<b>Provided</b>	<b>Compliance</b>
	<b>Ratio</b>	<b>Trees</b>		
Parking Area	1 Tree/6 Spaces	28 Trees	36 Trees	Y
Buffer: Min. Trees	1 Tree/20 Linear Feet	122 Trees	114 Trees	N
Min. Zone Width	15 Feet (R.O.W.) 6 Feet (Interior)		15 Feet (R.O.W.) 6 Feet (Interior)	Y

Staff notes that eight additional 24 inch box trees could be added to the buffer zone along the north property line and has added a condition of approval (number 5) that addresses this issue.

*Pursuant to Title 19.10, the following parking standards apply:*

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office	29,717 SF	1:300 SF	99				
One-Bedroom	24 Units	1.25/Unit	30				
Two-Bedroom	148 Units	1.75/Unit	259				
Three-Bedroom	41 Units	2/Unit	82				
Guest Spaces	213 Units	1 Space/6 Units	36				
TOTAL			506	11	594	7	N
Loading Spaces			2		3		

The site plan is deficient four handicap parking spaces. Staff has added a condition of approval (number 4) that addresses this issue.

## ANALYSIS

This site is currently undeveloped and is located within a FEMA “AE” Flood Zone. The FEMA website [www.floodsmart.gov](http://www.floodsmart.gov) defines an “AE” Flood Zone as areas with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage. The applicant proposes to develop a mixed use project consisting of 213 condominium units and 29,717 square feet of office space. The offices and condominiums will be located in buildings that range in height from two to five stories, with the higher parts of the buildings (72 feet in height) located in the north and east portions of the site in order to comply with the residential adjacency standards. The site is located in a portion of the A-O (Airport Overlay) District where building height is limited to 175 feet. The proposed buildings comply with this limitation.

Parking is provided on a surface lot in the west portion of the site and on the lower level of a two level structure in the east portion of the site. City standards require 11 handicap parking spaces for a development of this size. Because the site plan depicts only seven handicap parking spaces, staff has included a condition of approval (number 4) which requires the provision of four additional handicap spaces. A common area which includes gazebos, potted plants and a pool will be located on the second level of the structure.

Access to the site will be provided by a driveway to Tenaya Way and two driveways to the existing commercial center immediately to the north. The applicant proposes to place landscape buffers with sufficient width to comply with city standards along all property lines. The buffers along the south, east and west property lines contain 24 inch box trees in quantities that comply with city standards. The amount of trees within the north buffer is not sufficient, and staff has included a condition of approval (number 5) which requires eight additional 24 inch box trees to be placed in the buffer zone along the north property line.

The elevations depict stucco exteriors with concrete tile roofs and decorative copper domes along the roof lines. The building heights vary from two to five stories (with a maximum height of 72 feet). The Zoning Code limits heights in the R-4 (High Density Residential) zoning district to two stories (not exceeding 35 feet in height). The applicant has requested a Variance (VAR-18820) from this standard which will be considered currently with this application. Because this variance request does not meet the criteria for approval, as the hardship is self-created and the applicant could revise the development to comply with the setback standards, staff's recommendation is for denial of the variance.

## **FINDINGS**

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. The proposed development is compatible with adjacent development and development in the area;
2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;
3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;
4. Building and landscape materials are appropriate for the area and for the City;
5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;
6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.



**In regard to “1”:** The proposed development will exceed the scale and massing of any existing development in this area. Staff finds the height and intensity of the project is greater than adjacent development and is not compatible with residential development immediately to the south of this site.

**In regard to “2”:** The project as designed is more intense than other existing or proposed developments in the area, and requires an associated height variance (VAR-18820) which would allow a 72-foot high building where 35 feet is the maximum height allowed. As such, the project is not appropriate to its context, and staff recommends denial.

**In regard to “3”:** Adequate access to this site will be provided from Tenaya Way, a Secondary Street as designated by the Master Plan of Streets and Highways. This project will not adversely impact adjacent streets.

**In regard to “4”:** The proposed building materials and landscape materials are appropriate for the immediate area and for the City, and are generally in compliance with the city standards.

**In regard to “5”:** The inability of the applicant to devise a site plan that complies with the setback, standards indicate that the design characteristics of this proposal are too intense for this site.

**In regard to “6”:** The proposed development will be subject to regular inspections for permitting and licensing and will; therefore, not compromise the public health, safety, and welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 34

**SENATE DISTRICT** 4

**NOTICES MAILED** 655 by Planning Department

**APPROVALS** 1

**PROTESTS** 4